



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Marilyn Librers, Council Member	Marilyn Librers, Agency Member
Rich Constantine, Council Member	Rich Constantine, Agency Member
Gordon Siebert, Council Member	Gordon Siebert, Agency Member

WEDNESDAY, DECEMBER 15, 2010

AGENDA

**JOINT REGULAR CITY COUNCIL
AND
REDEVELOPMENT AGENCY MEETING**

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Minutes Clerk Wilson)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Minutes Clerk Wilson)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

Chief Waldvogel

Retirement from the Santa Clara County Central Fire Protection District

Don Gage

Retirement from the Santa Clara County Board of Supervisors

Judy Little and Brian Shiroyama

Sister Cities Association

PRESENTATIONS

Employee Recognition Award Winners

CITY COUNCIL REPORTS

Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action
ADOPTION OF AGENDA

City Council Action
CONSENT CALENDAR:

ITEMS 1-16 Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

1. **ACCEPTANCE OF COMMUNITY AND CULTURAL CENTER SPRAY FEATURE RESURFACING PROJECT**1-4
Recommended Action(s):
 1. **Accept** as complete the Community and Cultural Center Spray Feature Resurfacing Project in the final amount of \$40,455; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

2. **CONFIRM EXTENDED TERM OF COMMISSIONER LISA ARAGON ON THE PARKS & RECREATION COMMISSION**5-10
Recommended Action(s):
 1. **Confirm** the Council's March 10, 2010 action to extend the term of Parks and Recreation Commissioner Lisa Aragon until such time that the formal recruitment process is undertaken;
 2. **Direct** the City Clerk to commence recruitment efforts to fill an unexpired term on the Parks and Recreation Commission (term ending April 1, 2014).

3. **RESIGNATION OF PLANNING COMMISSIONER**11-14
Recommended Action(s):
 1. **Accept** the resignation of Planning Commissioner Robert Escobar; and
 2. **Direct** the City Clerk to commence recruitment efforts to fill an unexpired term on the Planning Commission (term ends June 1, 2011).

4. **APPROVE FOURTH AMENDMENT WITH HMH ENGINEERS FOR DESIGN OF WEST DUNNE AVENUE SAFETY PROJECT**15-22
Recommended Action(s): Authorize the City Manager/Executive Director to execute a fourth amendment to the consultant agreement with HMH Engineers for design of the West Dunne Avenue Safety Project not to exceed \$45,700.

5. **ACCEPT THE SAFE ROUTES TO SCHOOL PROJECT**23-28
Recommended Action(s):
 1. **Accept** as complete the Safe Routes to Schools Project in the final amount of \$123, 801; and
 2. **Direct** the City Clerk to file the attached notice of completion with the County Recorder's Office.

6. **REJECT BIDS FOR THE MIDBLOCK CROSSINGS PROJECT**29-30
Recommended Action(s):
 1. **Reject** the bids received on December 2, 2010 for the Midblock Crossing Project; and
 2. **Authorize** staff to re-bid project.

7. **APPROVAL OF COST SHARING AGREEMENT WITH COUNTY OF SANTA CLARA FOR THE BRIDGE PREVENTATIVE MAINTENANCE PROJECT**31-46
Recommended Action(s): Authorize the City Manager to execute a cost sharing agreement with the County of Santa Clara for the Bridge Preventative Maintenance Project at West Little Llagas Creek bridge (37c0377) on Watsonville Road.

8. **2011 HAZARDOUS VEGETATION PROGRAM**47-52
Recommended Action(s): Adopt Resolution declaring weeds and brush to be a nuisance and setting January 26, 2011 as the date for the public hearing regarding weed abatement and June 1, 2011 as the date for the public hearing regarding brush abatement.

9. **AWARD ADA ACCESS RAMPS FY 2010/11 PROJECT**53-56
Recommended Action(s):
 1. **Approve** project specifications; and
 2. **Award** contract to Golden Bay Construction in the amount of \$42,416; and
 3. **Authorize** expenditure of construction contingency funds not to exceed \$6,464.

10. **AWARD CONSULTING CONTRACT FOR DEVELOPMENT OF URBAN WATER MANAGEMENT PLAN**57-76
Recommended Action(s): Authorize City Manager to execute the agreement with Risk Management Professionals, Inc. in the amount of \$36,950.

11. **ACCEPTANCE OF GALVAN PARK SOCCER FIELD GRADING AND IRRIGATION REPLACEMENT PROJECT**77-82
Recommended Action(s):
 1. **Accept** as complete the Galvan Park Soccer Field Grading and Irrigation Replacement Project in the final amount of \$182,220; and
 2. **Direct** the City Clerk to file the attached notice of completion with the County Recorder's Office.

12. **PURCHASE OF PUBLIC WORKS VEHICLES**83-90
Recommended Action(s):
 1. **Approve** purchase of vehicles for Public Works for \$278,521; and
 2. **Find** that a competitive bid would not be likely to result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150(B); and
 3. **Declare** vehicles as listed as surplus equipment.

Item 12 Supplement 1

13. **NOVEMBER 2010 FINANCIAL & INVESTMENT REPORTS**91-120
Recommended Action(s): Accept and file report.

14. **ADOPT ORDINANCE NO.1997, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR THE ALICANTE ESTATES PROJECT LOCATED AT THE NORTHEAST CORNER OF COCHRANE ROAD AND PEET ROAD** 121-128
Recommended Action(s): Waive the reading, and **Adopt** Ordinance No. 1997, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

15. **ADOPT ORDINANCE NO.1998, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR THE QUAIL MEADOWS PROJECT LOCATED AT THE SOUTHWEST CORNER OF SANTA TERESA BOULEVARD AND NATIVE DANCER DRIVE** 129-136
Recommended Action(s): Waive the reading, and **Adopt** Ordinance No. 1998, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

16. **ADOPT ORDINANCE NO.1999, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR SOUTH VALLEY DEVELOPERS' MADRONE PLAZA PROJECT LOCATED AT THE SOUTHEAST CORNER OF MONTEREY ROAD AND COCHRANE ROAD** 137-148
Recommended Action(s): Waive the reading, and **Adopt** Ordinance No. 1999, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 17-19

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

17. **INDEPENDENT REDEVELOPMENT CONSULTANT'S REPORT FOR 2010** 149-156
Recommended Action(s): Accept and file report.

18. **NOVEMBER 2010 FINANCIAL & INVESTMENT REPORTS** 157-166
Recommended Action(s): Accept and file report.

19. **SWEAT EQUITY HOMEOWNER LOAN MODIFICATION REQUEST FOR 17367 CALLE DEL SOL** 166.1-166.6
Recommended Action(s): Adopt Resolution approving a loan modification to reduce the applicable interest rate on a sweat-equity loan from 10% compounded interest to 6% interest accrued annually and authorizing the Executive Director to do everything necessary and appropriate to approve the loan modification including the preparation and execution of any required loan documents for the home at 17367 Calle Del Sol.

City Council and Redevelopment Agency Action
CONSENT CALENDAR:

ITEMS 20-25

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
20.	<u>GRANICUS, INC. WEB STREAMING AGREEMENT</u>	167-182
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> Resolution authorizing an agreement with Granicus Corporation for enhancement of web streaming, archiving and searching services for public meetings and determining that there is one source for the required services; and	
	2. <u>Approve</u> and authorize the City Manager to enter into an agreement with Granicus, Inc. for streaming media services; and	
	3. <u>Approve</u> \$1,600 budget amendment for FY 10-11 in Contract Services (206.5120.42231).	
21.	<u>ANNUAL FINANCIAL REPORTS FOR FY 09-10</u>	183-184
	<u>Recommended Action(s):</u> For information only.	
22.	<u>APPROVE THE JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR OCTOBER 20, 2010</u>	185-196
23.	<u>APPROVE THE SPECIAL CITY COUNCIL AND JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 3, 2010</u>	197-210
24.	<u>APPROVE THE JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 17, 2010</u>	211-218
25.	<u>APPROVE THE JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR DECEMBER 1, 2010</u>	219-232

City Council and Redevelopment Agency Action
OTHER BUSINESS:

ITEM 26

	Time Estimate	Page
26.	20 Minutes	
	<u>UPDATE OF DESIGN PROGRESS FOR UPPER LLAGAS FLOOD PROTECTION PROJECT</u>	233-234
	<u>Recommended Action(s):</u> Hear status report of ongoing design efforts related to the Upper Llagas Flood Protection Project and provide feedback to design team.	

City Council Action

OTHER BUSINESS:

ITEMS 27-30

	Time Estimate		Page
27.	5 Minutes	<u>ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) TO ADOPT THE 2010 CALIFORNIA STATE BUILDING STANDARDS CODE WITH LOCAL MODIFICATIONS AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND, DELETE AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS</u>	235-290
		<u>Recommended Action(s):</u> 1. <u>Open/close</u> the public hearing; and 2. <u>Waive</u> the first and second reading in full of the Ordinance (An Ordinance of the City Council amending title 15 (Building and Construction) 3. <u>Introduce</u> Ordinance (An Ordinance of the City Council of the City of Morgan Hill amending Title 15 (Building and Construction) to adopt by reference the 2010 California State Building Standards Code known and designated as California Code of Regulations, Title 24 and the 2009 International Property Maintenance Code; and to amend, delete and add certain other building and construction standards). 4. <u>Schedule</u> a public hearing to be held at the Council meeting of January 26, 2011.	
28.	60 Minutes	<u>SOLAR POWER PURCHASE AGREEMENT</u>	291-330
		<u>Recommended Action(s):</u> 1. <u>Provide</u> direction to staff on the following issues: <ul style="list-style-type: none"> • Which facilities shall be included on the project? • Shall the City invest capital resources? If so, at what level and from what source? • Which siting locations at the facilities shall be included based on the alternative footprints contained in the tree removal and siting alternatives analysis? 2. <u>Authorize</u> the City Manager to execute agreements with Borrego Solar Incorporating the City Council's direction and subject to the review and approval of the City Attorney.	

Item 28 Supplement 1

29.	20 Minutes	<u>PARK LAND ACQUISITION PRIORITIES</u>	331-336
		<u>Recommended Action(s):</u> 1. <u>Revise</u> the City Council's park land acquisition priorities as follows: <ul style="list-style-type: none"> a. Land-bank acreage for sports park (20+ acres) b. Land-bank acreage for community park (10+acres) c. Land-bank acreage for neighborhood park(s) (3-10 acres) 2. <u>Direct</u> staff to consider land within and outside the City's border 3. <u>Direct</u> staff to evaluate potential sites for each priority concurrently	

4. **Direct** staff to return no later than May 2011 with further information for Council direction.

30. **10 Minutes** **REGIONAL FIRE AND EMERGENCY MEDICAL SERVICES (EMS) STUDY UPDATE REPORT**337-346
Recommended Action(s): Receive the Regional Fire and Emergency Medical Services (EMS) study Committee Member's Update Report.

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to:	Government Code Section 54956.9(b)
Number of Cases:	One (1)

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council/Agency concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council/Agency, but it is very helpful. When you are called, proceed to the podium and the Mayor/Chairman will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.